

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re, ANTHONY S BRUTTANITI, Debtor, SPECIALIZED LOAN SERVICING LLC FOR CREDIT SUISSE FIRST BOSTON MORTGAGE SECURITIES CORP., HOME EQUITY ASSET TRUST 2006-3, HOME EQUITY PASS-THROUGH CERTIFICATES, SERIES 2006-3, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE Movant, V. ANTHONY S BRUTTANITI, and KENNETH E. WEST, Trustee, Respondents.	Bankruptcy No. 23-12496-mdc Chapter 13
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Specialized Loan Servicing LLC for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-3, Home Equity Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), representing as follows:

THE PARTIES

1. Respondent, Anthony S. Bruttaniti, (“Debtor”), is an adult individual with a place of residence located at: 1432 South Broad Street, Philadelphia, Pa 19146.
2. Kenneth E. West is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about August 22, 2023, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. Specialized Loan Servicing LLC for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-3, Home Equity Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee holds a mortgage (the “Mortgage”) on the Debtors’ real property located at 1432 South Broad Street, Philadelphia, Pa 19146 (“Property”), recorded in the Office of the Recorder of Deeds for Philadelphia County, Pennsylvania, to secure a Note (the “Note”) with a principal balance of \$242,507.10. True and correct copies of the Mortgage, Assignment of Mortgage, and Note are attached hereto as Exhibits “A”, “B” and “C”, respectively.

6. Debtor executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Movant, has been duly endorsed or Movant, directly or through an agent, has possession of the promissory note and may enforce the promissory note as a transferee in possession. Movant is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust. If the original promissory note is lost or destroyed, then Movant will seek to prove the promissory note using a lost note affidavit.

7. Pursuant to the Note, mortgage payments are due on the 1st day of each month. The principal and interest mortgage payments are \$1,133.89, the escrow payments are currently \$668.87, for a total monthly payment of \$1,802.76.

8. The Debtor has failed to maintain their monthly post-petition payments. The loan is currently post-petition due for September 1, 2023, for a total amount past due of \$5,408.28.

9. The payoff of the Mortgage and Note is \$270,318.03, consisting of a principal balance of \$242,507.10 and interest of \$27,810.93.

10. Debtor's Chapter 13 Plan states that payments to Movant will be made outside the Plan.

11. Based on the information above, the Movant is entitled to relief from the automatic stay as post-petition payments are not being made and the Movant lacks adequate protection

WHEREFORE, Movant, Specialized Loan Servicing LLC for Credit Suisse First Boston Mortgage Securities Corp., Home Equity Asset Trust 2006-3, Home Equity Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the property located: at 1432 South Broad Street, Philadelphia, Pa 19146.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Keri P. Ebeck
Keri P. Ebeck, Esq.
PA I.D. # 91298
kebeck@bernsteinlaw.com
601 Grant Street, 9th Floor
Pittsburgh, PA 15219
Phone (412) 456-8112
Fax: (412) 456-8135

*Counsel for Specialized Loan Servicing LLC
for Credit Suisse First Boston Mortgage
Securities Corp., Home Equity Asset Trust
2006-3, Home Equity Pass-Through
Certificates, Series 2006-3, U.S. Bank
National Association, as Trustee*

Dated: November 27, 2023